- Counsel received a loan mod for debtor with Bank of America. Debtor completed the trial payments, however, right before the final loan documents were recorded, the loan transferred to M&T bank so debtor had to reapply.
- Debtor received another loan modification from M&T. Debtor completed the payments, advised the trustee approved, and sent the loan modification documents. Afterwards, M&T has filed three motions for relief. Each time, debtor shows that he has made all payments. M&T claims that they never recorded the loan modification documents because court approval was not obtained. Counsel advised that court approval was not required and that M&T wanted trustee approval, which they received. Andrew Gornall advised after the second MFR, that M&T would honor the loan modification. However, Tom Paleo filed a 3rd MFR alleging that they would not acknowledge Gornall's email because he no longer works with the firm.
- The 3rd MFR is currently pending

Loan mod no. 1
3/6/13 – prepare loan modification with Bank of America Portal 1 hr 33 m.
4/11/13 – communicate with loan rep through portal. Email D for additional pay stubs and bank statements. 12m
4/11/13 – receive request for more documents. uploaded additional information from debtor.
4/15/13 – 12 different email exchanges with D for wife's income, new bank account, hardship letter 15m
4/20/13 – review documents from debtor, upload to portal. Debtor received loan mod. to begin trial payments. 5m
5/10/13 – 14 different email exchanges with debtor re. trial plan payments. 20m
5/2/13 – t/c lender re status of loan mod. Said to expect documents in mail. Debtor approved
5/30/13 – review loan mod with D. D sign and return to lender 23m

Loan mod. no. 2
3/4/14 – prepare loan modification application, draft hardship letter. Meet with debtor to explain why have to reapply. Told to make regular payments. 2 hr 15m
3/5/14 – review application & send to lender through portal – 20 min
3/20/14 – t/c lender re. application rejected. Transferred to J Mock. No longer participating in portal, so will need to send hard copy of documents. Make sure account number on top.   23m
3/24/14 – left v/m for J Mock – did the documents get there yet? We sent by fedex. 3m
3/24/14 – t/c J Mock – received docs. Will need to review. 0m
4/6/14 – review documents letter from J Mock. Documents requested sent with original package. t/c J Mock – on hold for 28 min. Sent another complete package. 35m
4/22/15 – v/m J Mock – did the documents get there? Anything else needed? Can never get through to leave v/m without waiting. 15m

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4/22/15 – t/c J Mock. Still says no pay stubs/bank statements received. Claims she doesn't have them. Advised the information been sent three times already! Faxed over documents, on hold to make sure she received.   38m

5/5/14 – review documents letter from J Mock re liens on property. t/c Mock - no liens on property, no judgments in my diligence search. If they think there is a lien, then they should do a title search. 15m

5/6/14 – t/c with debtor re (any judgments he is aware of? Said never been sued, and good with utilities, not condo).   t/c J mock over title search. Debtor NOT going to pay for it. Made that clear. 25 m

5/13/14 – J Mock left v/m about questions about D wife's income. Returned call. Explained wife unemployed, daycare more expensive than salary. Mock wanted a letter from D wife not employed. Asked about status of title, advised had incorrect information, and title is clear. T/C D re letter from wife. 18m

6/3/14 – v/m J Mock. Request status of loan modification. Please advise if need anything else. 5m

7/22/14 – fax: Writing to request a status of loan modification. Did not hear back from you? v/m J Mock. No response to my email on 6/3/14. Please provide status. 10m

7/30/14 – D drop off loan mod acceptance under HAMP. V/M J Mock re. subordinate agreement, have questions 10m

8/19/14 – Email A Gornall re. loan mod. Have questions about why subordinate agreement different from POC 5m

9/9/14 - Email A Gornall re. loan mod. HI, I've questioned this before, but still have not received a response. Where is the amount for the subordinate note coming from? The amount is different from the POC.   5m

9/27/14 – Forward 9/9/14 email to A Gornall. Left v/m   10m

10/1/14 – v/m from D re status of loan mod. He spoke with Dee Karison (716-529-2020) attorney for M&T.

10/1/14 – v/m to Dee Karison. v/m A Gornall – never heard back from you or a Karison – does he know who this is? 15m

1/17/15 – review MFR, t/c D re payments – says he hasn't missed a payment. Asked for proof . 20m

2/2/15 – t/c A Gornall re. Motion for Relief. Said he would look into loan modification. File response to MFR. 44 m

3/30/15 – reviewed payment history, showed proof that debtor made all payments 1 hr 13m

4/7/15 – t/c A Gornall re. withdraw M4R, loan modification was approved 8m

12/16/15 – review MFR; email A Gornall   5m

12/24/15 – t/c with A Gornall. Re. loan modification. Debtor received loan modification, so why does he need to apply for another? He wouldn't get back to me. File response to Motion. This is ridiculous! 35m

1/7/16 – v/m from A Gornall; returned call re. payment history. Possible sanctions. 20m

1/8/16 – t/c to A Gornall re. proof of debtor payments, loan modification proof. Emailed him copy of signed loan mod documents 10m

1/9/16 – t/c to A Gornall re. payment history questions. History shows D made payments on TIME. 35m

2/24/16: t/c A Gornall re loan modification status, M4R to be continued. 5 min

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3/24/16: email exchange with Andrew – hearing will be continued. Still needs time to look into loan modification issue.

4/27/16: t/c A Gornall – gave you all proof. I should press for sanctions. He has to check with client about loan modification. 10m

4/28/16: t/c A Gornall – advises will withdraw MFR. Request to have in writing that his client accepts the loan modification 8m

4/29/16: email exchange w/A Gornall re want in writing that they will accept loan modification 5m

1/31/17: file response to 3rd!!!! MFR. Look into filing for sanctions, motion to enforce contract. 35m

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